

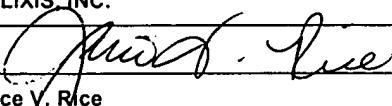
03-16-09

PTO/SB/21 (12-08)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM		Application Number	10/533,555
(to be used for all correspondence after initial filing)		Filing Date	May 2, 2005
		First Named Inventor	Wei XU et al.
		Art Unit	1625
		Examiner Name	John MABRY
		Attorney Docket Number	EX03-037C-US
Total Number of Pages in This Submission			

ENCLOSURES (check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final (18 pages) <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Postcard Receipt	
	Remarks		
	Express Mail No. EV 938 354 237 US		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	EXELIXIS, INC.		
Signature			
Printed Name	Janice V. Rice		
Date	March 13, 2009	Reg. No.	50,606

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name		Date	March 13, 2009

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2008

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)
Complete if Known

Application Number	10/533,555
Filing Date	May 2, 2005
First Named Inventor	Wei XU et al.
Examiner Name	John MABRY
Art Unit	1625
Attorney Docket No.	EX03-037C-US

METHOD OF PAYMENT (check all that apply)
 Check Credit Card Money Order None Other (please identify): _____

 Deposit Account Deposit Account Number: 50-1108 Deposit Account Name: Exelixis, Inc.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s)	<input type="checkbox"/> Credit any overpayments under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fees Paid (\$)</u>
Utility	330	165	540	270	220	110	_____
Design	220	110	100	50	140	70	_____
Plant	220	110	330	165	170	85	_____
Reissue	330	165	540	270	650	325	_____
Provisional	220	110	0	0	0	0	_____

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Small Entity

Fee (\$) 52 26

Each independent claim over 3 (including Reissues)

Fee (\$) 220 110

Multiple dependent claims

Fee (\$) 390 195

Total Claims**Extra Claims****Fee (\$)****Fee Paid (\$)****Multiple Dependent Claims****Fee (\$)****Fee Paid (\$)**

- 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20

Indep. Claims**Extra Claims****Fee (\$)****Fee Paid (\$)**

- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x _____	= _____	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fee Paid (\$)

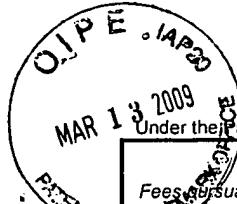
Other (e.g., late filing surcharge): _____

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 50,606	Telephone (650) 837-7553
Name (Print/Type)	Janice V. Rice		Date 03/13/2009

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<p>Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</p> <h1>FEE TRANSMITTAL</h1> <h2>For FY 2008</h2>		Complete if Known	
		Application Number	10/533,555
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	May 2, 2005
TOTAL AMOUNT OF PAYMENT (\$)		First Named Inventor	Wei XU et al.
		Examiner Name	John MABRY
		Art Unit	1625
		Attorney Docket No.	EX03-037C-US

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<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input type="checkbox"/> Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	
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Design	220	110	100	50	140	70	_____
Plant	220	110	330	165	170	85	_____
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390 195

Total Claims

Extra Claims Fee (\$)

Fee Paid (\$)

Multiple Dependent Claims

Fee (\$) Fee Paid (\$)

- 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20

Indep. Claims

Extra Claims Fee (\$)

Fee Paid (\$)

- 3 or HP = _____ x _____ = _____

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Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)
- 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Fee Paid (\$)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): _____

SUBMITTED BY

Signature	<i>Janice V. Rice</i>	Registration No. (Attorney/Agent) 50,606	Telephone (650) 837-7553
Name (Print/Type)	Janice V. Rice	Duplicate copy	Date 03/13/2009

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wei Xu, et al.

Application No.: 10/533,555

371(c) Date: May 2, 2005

Group Art Unit: 1625

Confirmation No.: 9452

Examiner: Mabry, John

Title: SUBSTITUTED 3-(DIARYLMETHYLENE)INDOLIN-2-ONES AND METHODS OF THEIR USE

EXPEDITED RESPONSE TO FINAL OFFICE ACTION

Mail Stop AF
Commissioner for Patents
Post Office Box 1450
Washington, D.C. 22313-1450

Dear Sir:

This response is made to a Final Rejection mailed January 13, 2009 (hereinafter, "Final Rejection"), for which a reply is due on April 13, 2009. This response is being filed within the two month period from the mailing date of the Final Rejection. In view of the amendments and discussion provided, reconsideration and allowance are respectfully requested.

Claims 1, 8, 9, 12-17, and 39-48 are pending. Claims 1, 8, 9, 12-17, and 39-48 are rejected. Claims 24-30 have been withdrawn from consideration but are subject to rejoinder. Claims 1, 9, 12, 13, and 40-43 are currently amended. Claims 8, 14-17, 39, and 44-48 are previously presented.

Amendments to the Claims begin on page 2.

Remarks begin on page 15.